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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,757	08/30/2001	Newton James Smith JR.	AUS920010459US1	9992
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Sidney L. Weatherford 1006 Rainbow Dr. Richardson, TX 75081			EXAMINER BRUCKART, BENJAMIN R	
			ART UNIT 2155	PAPER NUMBER

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/942,757

Applicant(s)

SMITH ET AL.

Examiner

Benjamin R Bruckart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-81 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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***Detailed Action***

Claims 1-81 are pending in this Office Action.

***Formal Drawings***

The formal drawings received on 4/19/02 have been entered.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 16-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 16-20 recites the limitation "wherein user instructions" in claims 16-20.

There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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**Claims 1, 4-6, 14-15, 20, 24-27 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 2002/0111154 by Eldering et al.**

Regarding claim 1, a method for communication of location specific content to client devices (Eldering: page 4, para 39-40), the method comprising the steps of:

identifying a client device at a location of a location specific device (Eldering: page 3, para 33), wherein the client device comprises client device attributes, the client device attributes comprising a client device identification code (Eldering: page 4, para 40; page 5, para 49; the subscriber), and wherein the location specific device comprises a location identification code (Eldering: page 3, para 37);

recording user preferences for the client device (Eldering: page 5, para 50);

selecting, in dependence upon the user preferences for the client device and upon the location identification code, content for transmission to the client device (Eldering: page 5, para 53-54);

transmitting the selected content through the location specific device to the client device for presentation (Eldering: page 7, para 70-71); and

enabling retention of the content within the client device for a period of time (Eldering: page 1, para 8; page 7, para 66-67).

Regarding claim 4, the method of claim 1 wherein the client device comprises a personal digital assistant enabled for wireless data communications (Eldering: page 3, para 33).

Regarding claim 5, the method of claim 1 wherein the client device comprises a hand-held personal computer enabled for wireless data communications (Eldering: page 3, para 33).

Regarding claim 6, the method of claim 1 wherein the client device comprises a special purpose device enabled for wireless data communications (Eldering: page 3, para 33).

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Regarding claim 14, the method of claim 1 wherein recording user preferences for a client device comprises accepting indications of user preference entered by a user through the client device (Eldering: page 5, para 47).

Regarding claim 15, the method of claim 1 wherein recording user preferences for a client device comprises accepting user instructions entered by a user through the client device (Eldering: page 5, para 47; Hicks: page 3, para 25).

Regarding claim 20, the method of claim 1 wherein user instructions include an instruction to change the level of detail of presentation of content (Eldering: page 4-5, para 47; request information).

Regarding claim 24, the method of claim 22 wherein enabling retention of the content within the client device for a period of time further comprises enabling retention of the content within the client device only while the client device is present at the location of the location specific device (Eldering: page 4, para 38-40, 45; location profiler, 47).

Regarding claim 25, the method of claim 1 further comprising storing the content in a microcomputer physically located at the location of the location specific device (Eldering: page 1, para 8).

Regarding claim 26, the method of claim 1 further comprising storing the content in a content server located remotely from the location specific device (Eldering: page 6, para 58; Fig. 3).

Regarding claim 27, the method of claim 26 wherein the content server is coupled for data communications through a multiplicity of location specific devices to a multiplicity of client devices (Eldering: page 5, para 52 teach subscribers; page 3, para 34; page 6, para 56; Figure 3).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2-3, 7-13 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Publication No. 2002/0111154 by Eldering et al in view of U.S. Publication 2002/0022453 by Balog et al.**

Regarding claim 3,

The Eldering reference teaches the method of claim 1.

The Eldering reference does not explicitly state a network address but does teach locations within a network.

The Balog reference teaches a client device identification code comprises a network address (Balog: page 3, para 29; page 5, claim 5).

The Balog reference further teaches the invention determines optimal protocol and to select a device for successful content delivery (Balog: page 1, para 1).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of communication of location specific content to devices as taught by Eldering while incorporating network addresses as taught by Balog in order to successfully deliver content (Balog: page 1, para 1).

Claims 2, 7-13 are rejected under the same rationale given above. In the rejections set forth, the examiner will address the additional limitations and point to the relevant teachings of Eldering and Balog.

Regarding claim 2, the method of claim 1 wherein the location identification code comprises a network address (Balog: page 3, para 29; access point; page 5, claim 5).

Regarding claim 7, the method of claim 1 further comprising transcoding the content in dependence upon the client device attributes (Balog: page 2, para 23).

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Regarding claim 8, the method of claim 1 wherein the client device attributes include a client device type (Balog: page 3, para 29-30).

Regarding claim 9, the method of claim 1 wherein the client device attributes comprise presentation capabilities (Balog: page 3, para 30).

Regarding claim 10, the method of claim 9 wherein the presentation capabilities include display screen size (Balog: page 3, para 30).

Regarding claim 11, the method of claim 9 wherein the presentation capabilities include color availability (Balog: page 3, para 30).

Regarding claim 12, the method of claim 9 wherein the presentation capabilities include audio availability (Balog: page 3, para 30).

Regarding claim 13, the method of claim 9 wherein the presentation capabilities include a video frame rate (Balog: page 3, para 30, 33).

**Claims 16-19, 21 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Publication No. 2002/0111154 by Eldering et al in view of U.S. Publication 2004/0261112 by Hicks, III et al.**

Regarding claim 16,

The Eldering reference teaches the method of claim 1.

The Eldering reference does not explicitly mention user instructions to pause.

The Hicks reference teaches user instructions include an instruction to pause presentation of content (Hicks: page 3, para 25; page 4, para 40).

The Hicks reference further teaches the invention provides on demand multimedia content like video, audio, TV, web and email (Hicks: page 1, para 5-6).

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Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of communication of location specific content to devices as taught by Eldering while incorporating instructions to pause as taught by Hicks in order to view and control on demand content (Hicks: page 1, para 5-6).

Claims 17-19, 21 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Eldering and Hicks.

Regarding claim 17, the method of claim 1 wherein user instructions include an instruction to resume presentation of content (Hicks: page 3, para 25; page 4, para 40).

Regarding claim 18, the method of claim 1 wherein user instructions include an instruction to rewind presentation of content (Hicks: page 3, para 25; page 4, para 40).

Regarding claim 19, the method of claim 1 wherein user instructions include an instruction to fast forward presentation of content (Hicks: page 3, para 25; page 4, para 40).

Regarding claim 21, the method of claim 1 wherein the content comprises programs and the user instructions include an instruction to change from one program to another (Hicks: page 6-7, para 57).

**Claims 22-23 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Publication No. 2002/0111154 by Eldering et al in view of U.S. Publication 2002/0052925 by Kim et al.**

Regarding claim 22,

The Eldering reference teaches the method of claim 1 wherein enabling retention of the content within the client device for a period of time (Eldering: page 1, para 8; page 6, para 65).



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The Eldering reference does not explicitly state an expiration date.

The Kim reference teaches transmitting to the client device an expiration date and time for the selected content transmitted to the device for presentation (Kim: page 12, para 159).

The Kim reference further teaches the invention monitors the user's activity and downloads and stores materials when user usage is low to present content instantaneously later (Kim: page 3, para 44).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of communication of location specific content to devices as taught by Eldering while incorporating expiration dates as taught by Kim in order to present content instantaneously without further download (Kim: page 3, para 44).

Claim 23 is rejected under the same rationale given above. In the rejections set forth, the examiner will address the additional limitations and point to the relevant teachings of Eldering and Kim et al.

Regarding claim 23, the method of claim 22 wherein enabling retention of the content within the client device for a period of time further comprises altering the expiration date and time (Kim: page 12, para 159).

While the examiner understands the difference between a method, a system, and a computer program for communication of location specific content to client. The examiner equates these to the hardware and software and implementations in which the invention is embodied. Therefore claims 1-27 are equated to claims 28-54 and 55-81 in the same manner.

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27	54	81

***Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U. S. Patent No. 6,738,808 issued to Zellner et al teaches anonymous location based wireless transport of data with a proxy server.

U. S. Publication No. 2003/0006912 by Brescia teaches very similar content delivery system with location criteria.

U. S. Patent No. 6,731,940 issued to Nagendran teaches finding the location of a mobile device user and using the location to customize information to the user.

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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number 571-272-3982. The examiner can normally be reached on 8:00-5:30 PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3982.

Benjamin R Bruckart  
Examiner  
Art Unit 2155  
brb  
December 27, 2004

BRB



**HOSAIN ALAM**  
**SUPERVISORY PATENT EXAMINER**